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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,519	03/31/2004	Dimce Vasilev		6925

7590 03/06/2006

John R. Lagowski
H101
415 Southtowne Drive
South Milwaukee, WI 53172



EXAMINER

LEE, CLOUD K

ART UNIT PAPER NUMBER

3753

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,519

Applicant(s)

VASILEV, DIMCE

Examiner

Cloud K. Lee

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/31/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/31/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5-8, 10-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Skarzynski (US Patent No. 3,704,002).

Regarding claims 1-3, 5-8, 10-18, and 20, Skarzynski discloses a valve assembly attachable to said pool pipe (Figure 1 element 11) and having a closed state for occluding the flow of pool water into said pool pipe, and having an open state for permitting the flow of pool pipe fluid out of said pool pipe (Figure 1 element 23 and Col 2 line 29-33), said valve assembly having a valve outlet (Figure 1 element 27), and an adaptor having a flow channel adjoining said valve outlet (Figure 1 element 12); a flow cavity (Figure 1 element 27); and a valve adaptor releasably connectable to said valve assembly and having a flow channel for receiving said fluid from said flow cavity (Figure 1). A gate channel having a first end defined by a gate plate (Figure 1 element 22); a valve gate moveable between valve open and valve closed positions within said gate channel (Figure 1 element 23). An adaptor inlet comprises a radially inward extending lip, and said valve assembly comprises a housing having a groove for receiving said inward extending lip (Figure 1 element 45). Note that, the balls are defined as lip. An adaptor includes an outlet having a threaded outer surface (Figure 1). A valve gate

comprises at least one flow aperture (Figure 26). Note that, an O-ring is defined as opening.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skarzynski in view of Ishikawa et al (US Patent No. 3,835,884).

Regarding claim 4, Skarzynski substantially shows the claimed subject matter but fails to disclose an adaptor comprising a flow channel that includes a filter within said flow channel.

Ishikawa et al disclose a check valve with filter (Figure 1 element 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to have a filter, taught by Ishikawa et al, to prevent impurities flowing through the valve (Col 1 line 37-41).

3. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarzynski in view of Henderson et al (US Patent No. 5,911,235) and Wass et al (US Patent No. 6,009,895).

Regarding to claims 9 and 19, Skarzynski substantially shows the claimed subject matter but fails to disclose a valve assembly comprising a housing with forty

percent calcium-filled polypropylene, and said valve adaptor comprises a housing comprising rubber.

Henderson et al discloses a walker glide with each of these members being molded of high-density polypropylene having calcium carbonate as a filler material (Col 3 line 20-22). Although, Henderson et al do not discloses a specific % of polypropylene having calcium carbonate, Henderson et al inherently has to have a percentage of polypropylene filling calcium carbonate. The actual percentage of polypropylene with calcium carbonate is merely a matter of design choice. It is within the realm of one of ordinary skill in the art to use preferred material with ^{an} optimize range. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a valve housing makes by 40% calcium-filled polypropylene to have better surface hardness and significantly better elongation at break.

Wass et al discloses a check valve with tip made of rubber. It would have been obvious to one of ordinary skill in the art at the time of the invention to have an adaptor made of rubber to have deformable yet sealable properties (Col 9 line 22-24).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lyon (US Patent No. 5,076,328) discloses a pressure relief valve assembly comprising: a valve assembly attachable to said pool pipe and having a closed state for occluding the flow of pool water into said pool pipe, and having an open state for permitting the flow of pool pipe fluid out of said pool pipe, said valve assembly having a valve outlet, and; an adaptor having a flow channel adjoining said valve outlet.

Miyajima et al (US Pub No 2002/0036015) discloses a connection structure and valved connection member comprising a valve gate moveable between valve open and valve closed positions within said gate channel. An adaptor inlet comprises a radially inward extending lip, and said valve assembly comprises a housing having a groove for receiving said inward extending lip.

Boelkins (US Patent No. 3,799,589) discloses a swivel coupling for fluid conduits comprising an adaptor includes an outlet having a threaded inter surface.

Thomas (US Patent No. 6,517,119) discloses a hose coupling with retainer ring comprising an adaptor includes an outlet having a threaded outer surface.

A. L. Honstetter et al (US Patent No. 2,268,119) discloses a check valve comprising an adaptor includes an outlet having a threaded outer surface.


Gilbreath et al. (US Patent No. 6,447,017) discloses a fluid coupling and assembly comprising an adaptor includes an outlet having a threaded outer surface.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571)272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CL


EUGENE KIM
SUPERVISORY PATENT EXAMINER

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	
Filing Date	March 31, 2004
First Named Inventor	Dimce Vasilev
Art Unit	
Examiner Name	
Attorney Docket Number	

[illegible][illegible]

Examiner Signature		Date Considered	2/16/06
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Notice of References Cited	Application/Control No. 10/814,519		Applicant(s)/Patent Under Reexamination VASILEV, DIMCE	
	Examiner Cloud K. Lee		Art Unit 3753	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-3,704,002	11-1972	Skarzynski, Maciej Stanislaw	251/149.6
*	B	US-6,009,895	01-2000	Wass et al.	137/223
*	C	US-5,076,328	12-1991	Lyon, David L.	138/93
*	D	US-2002/0036015	03-2002	Miyajima et al.	137/543.23
*	E	US-3,799,589	03-1974	Boelkins, Wallace G.	285/281
*	F	US-6,517,119	02-2003	Thomas, Paul Bruce	285/276
*	G	US-2,268,119	12-1941	HONSTETTER ARI L; et. al.	137/543.13
*	H	US-6,447,017	09-2002	Gilbreath et al.	285/89
*	I	US-5,911,235	06-1999	Henderson et al.	135/85
*	J	US-3,835,884	09-1974	Ishikawa et al.	137/550
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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	N					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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